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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,321	03/24/2004	Takuya Kawamura	251010US2SRD	4005
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
WENDELL, ANDREW				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
12/15/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/807,321

Applicant(s)

KAWAMURA, TAKUYA

Examiner

ANDREW WENDELL

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 17-24 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "A computer readable medium" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Examiner fails to see support in applicant's specification that clearly states what a computer readable medium entails.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US Pat# 2002/0137529).

Regarding claim 1, Takahashi's image transfer system teaches a storage to store a plurality of images (Sections 0030, 0055-0058); a reception unit 110 and 112 (Fig. 3, Sections 0036 and 0051) configured to receive plural image acquisition requests per second S507-S515 (Figs. 5 and 6 and Section 0077, it receives multiple image requests at once which can be timed at a second) within a predetermined time S508, S512 and S513 (Figs. 5 and 6), the requests being transmitted from another wireless communication apparatus in accordance with a camera control protocol for exchanging information relating to images (Sections 0051-0062); a selection unit S516 or S516A (Fig. 6) configured to select, in response to the image acquisition requests S507-515 (Figs. 5 and 6), one of the plurality of images stored in the storage (Sections 0030, 0055-0058) and to output information relating to the one of the plurality of images until the predetermined time elapses S512, S513, and S518 (Fig. 6); and a transmission unit 110 and 112 (Fig. 3, Sections 0036 and 0051) configured to transmit at least one response to the another wireless communication apparatus 300 (Fig. 4) in accordance with the camera control protocol, where information relating to the one of the plurality of images that is selected by the selection unit is contained in the response S517 and S518 (Fig. 6 and Sections 0051-0063), wherein when the reception unit has received a

first image acquisition request S510 (Fig. 6, picture of thumbnail) and a second image acquisition request S510 (Fig. 6, picture of another thumbnail) in a predetermined time which is shorter than at least one second (Sections 0058-0059, "transmits a thumbnail image request" and "In one mode, multiple thumbnail image", the user sends a request for multiple images [first acquisition and second acquisition] at the same time which is shorter than one second) after receiving the first image acquisition request, the selection unit selects an identical image S514 (Fig. 6, same as thumbnail picture requested) that is identical to an image selected responding to the first image acquisition request, the identical image being selected responding to the second image acquisition request S514 (Fig. 6, same as the other thumbnail requested), and outputs information relating to the identical image, and the transmission unit transmits a response containing the information (Sections 0058-0059, transmitting the multiple images onto the user's image display) relating to the identical image, in response to the second image acquisition request.

Regarding claim 2, Takahashi teaches wherein the selection unit selects the one of the plurality of images randomly (Sections 0051-0063).

Regarding claim 3, Takahashi teaches wherein the information relating to the one of the plurality of images that is selected by the selection unit comprises one of information on image contents, information on processed image contents and information on image attributes (Sections 0051-0063).

Regarding claim 4, Takahashi teaches wherein the transmission unit transmits a set of responses to the another wireless communication apparatus 300 (Fig. 4) in

response to a series of continuous image acquisition requests S507, S509, S510, S511 (Figs. 5 and 6) from the another wireless communication apparatus, the set of responses containing identical information relating to the one of the plurality of images that is selected by the selection unit (Sections 0051-0063).

Regarding claim 5, Takahashi teaches a timer S508, S512, S513, S516, and S518 (Figs. 5 and 6) which starts when a first one of the series of continuous image acquisition requests is received, and wherein the transmission unit continues to transmit the set of responses unless the timer times out END (Fig. 7, Sections 0051-0063).

Regarding claim 6, Takahashi teaches a measurement unit configured to compare a first time with a second time to measure a time difference, the first time being a time at which the reception unit has received a first image acquisition request S510 and S514 (Fig. 6, thumbnail), and the second time being a time at which the reception unit has received a second image acquisition request following the first image acquisition request S517 (Fig. 6, picture of thumbnail), and wherein the selection unit is configured to select another image, when the time difference is not more than a threshold S518 (Fig. 6).

Regarding claim 7, Takahashi teaches a first determination unit S508 (Fig. 5) configured to determine whether or not the one of the plurality of image acquisition requests identification information on an image S507 (Fig. 5); and a second determination unit S516 or S516A (Fig. 6) configured to determine whether or not the image has already been selected by the selection unit S517 (Fig. 6), and wherein if the

second determination unit determines that the image has already been selected by the selection unit, the transmission unit transmits the corresponding identification information on the image instead of currently selecting another image and transmitting a current identification information on the image (Sections 0051-0063).

Regarding claim 8, Takahashi teaches a timer S508, S512, or S513 (Figs. 5 and 6) which starts when the image acquisition request, requesting the identification information on the image, is received, and wherein the transmission unit continues to transmit the corresponding identification information on the image unless the timer times out END (Fig. 7, Sections 0051-0063).

Regarding claim 9, method claim 9 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

Regarding claim 10, method claim 10 is rejected for the same reason as apparatus claim 2 since the recited elements would perform the claimed steps.

Regarding claim 11, method claim 11 is rejected for the same reason as apparatus claim 3 since the recited elements would perform the claimed steps.

Regarding claim 12, method claim 12 is rejected for the same reason as apparatus claim 4 since the recited elements would perform the claimed steps.

Regarding claim 13, method claim 13 is rejected for the same reason as apparatus claim 5 since the recited elements would perform the claimed steps.

Regarding claim 14, method claim 14 is rejected for the same reason as apparatus claim 6 since the recited elements would perform the claimed steps.

Regarding claim 15, method claim 15 is rejected for the same reason as apparatus claim 7 since the recited elements would perform the claimed steps.

Regarding claim 16, method claim 16 is rejected for the same reason as apparatus claim 8 since the recited elements would perform the claimed steps.

Regarding claim 17, computer readable medium claim 17 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

Regarding claim 18, computer readable medium claim 18 is rejected for the same reason as apparatus claim 2 since the recited elements would perform the claimed steps.

Regarding claim 19, computer readable medium claim 19 is rejected for the same reason as apparatus claim 3 since the recited elements would perform the claimed steps.

Regarding claim 20, computer readable medium claim 20 is rejected for the same reason as apparatus claim 4 since the recited elements would perform the claimed steps.

Regarding claim 21, computer readable medium claim 21 is rejected for the same reason as apparatus claim 5 since the recited elements would perform the claimed steps.

Regarding claim 22, computer readable medium claim 22 is rejected for the same reason as apparatus claim 6 since the recited elements would perform the claimed steps.

Regarding claim 23, computer readable medium claim 23 is rejected for the same reason as apparatus claim 7 since the recited elements would perform the claimed steps.

Regarding claim 24, computer readable medium claim 24 is rejected for the same reason as apparatus claim 8 since the recited elements would perform the claimed steps.

Response to Arguments

Applicant's Remarks	Examiner's Response
"In view of this further clarification proceed in the independent claims, it is believed that the outstanding ground for rejection has been overcome and that Claims 1-24 are in condition for allowance."	Examiner thinks by adding "to receive <u>[separate or individual]</u> plural image acquisition requests per second" would better overcome the Takahashi reference. Right now sending in a request of multiple images at once as taught by Takahashi still reads on the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
Unit 2618

12/3/2008